

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JANICE A. SCHMIDT,

Plaintiff,

v.

Case No.: 8:22-cv-2539-AAS

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,**

Defendant.

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ORDER

Plaintiff Janice A. Schmidt moves for attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 25). The Commissioner does not oppose the motion. (*Id.* at p. 5).

The plaintiff requests \$5,924.57 in attorney's fees. (*Id.* at p. 1). The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. A June 26, 2023 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 23). The Clerk entered judgment in the plaintiff's favor. (Doc. 24).

The Commissioner does not contest the following: the plaintiff is the prevailing party; the Commissioner's position was not substantially justified;

and the plaintiff's attorney's fees request is reasonable. A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, the plaintiff is entitled to \$5,924.57 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following an order, the United States Department of the Treasury will determine whether the plaintiff owes a debt to the United States. The plaintiff assigned her rights to EAJA fees to her attorney. (Doc. 25-2). So, if the plaintiff has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, the plaintiff's motion for attorney's fees under the EAJA (Doc. 25) is **GRANTED**. The plaintiff is awarded **\$5,924.57** in attorney's fees.

ORDERED in Tampa, Florida on September 28, 2023.



AMANDA ARNOLD SANSONE
United States Magistrate Judge